

## Article **10-2K** — P (Public / Semi-Public Institutional) District

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### **10-2K-1**      **Purpose**

The P (Public / Semi-Public Institutional) District provides for a range of governmental, civic, and special district facilities, educational, and similar uses which provide public services to the City. The district's standards are based on the following principles:

- A.      Ensure efficient use of land and urban services.
- B.      Provide areas for required public services and facilities.
- C.      Compatibility between public / semi-public institutional uses and nearby residential areas.
- D.      Locations for public gathering, parks, and recreational uses.

### **10-2K-2**      **Permitted Uses (P)**

A.      Permitted Uses. The land uses listed in the Zoning Matrix (Section 10-2A-4) under the P (Public / Semi-Public Institutional) District with the letter "P" are permitted in the P zone, without special action by the Hearing Body, subject to development standards of the P (Public / Semi-Public Institutional) District, and other applicable portions of this Code. Only land uses which are specifically listed in the Zoning Matrix (Section 10-2A-4), and land uses which are approved as "similar" to those in the Zoning Matrix (Section 10-2A-4), may be permitted.

B.      Determination of Similar Land Use. Similar use determinations shall be made in conformance with the procedures in Article 10-4G - Administrative Interpretations.

### **10-2K-3**      **Limited Uses (L)**

A.      Limited Uses. The land uses listed in the Zoning Matrix (Section 10-2A-4) under the P (Public / Semi-Public Institutional) District with the letter "L" are allowed in the P zone if they comply with the development standards of the P (Public / Semi-Public Institutional) District, and other applicable portions of this Code, including meeting the requirements for the necessary permits or approvals. These uses include accessory uses, temporary uses, home occupations, special uses, etc. Only land uses which are specifically listed in the Zoning Matrix (Section 10-2A-4), and land uses which are approved as "similar" to those in the Zoning Matrix (Section 10-2A-4), may be permitted as Limited Uses. The following standards are intended to control

development scale; avoid or minimize impacts associated with traffic, parking, and design compatibility; and ensure management and maintenance of common areas, as applicable.

B. Determination of Similar Land Use. Similar use determinations shall be made in conformance with the procedures in Article 10-4G - Administrative Interpretations.

C. Requirements for Specific P Limited Uses.

**1. Agricultural product / craft sales stand (Farmer's market)**

- a. Requires application for and approval of a Temporary Use Permit as outlined in Section 10-4I-1.
- b. Displays of merchandise and vendors shall be limited to crafts, cards, plants, gardening/floral products, food, books, newspapers, and similar small items for sale to pedestrians.
- c. A minimum aisle width of 6 feet shall be maintained between booths or displays.

**2. Animal shelter / kennel**

- a. Only temporary boarding permitted (48 hour maximum time).

**3. Mobile sales / concessions**

- a. Requires application for and approval of a Temporary Use Permit as outlined in Section 10-4I-1.
- b. Only permitted during special community events such as Liberty Lake Yard Sale Weekend.

**4. Public assembly**

- a. Requires application for and approval of a Public Assembly Permit from the Building Official.

**5. Seasonal & special events**

- a. Requires application for and approval of a Temporary Use Permit as outlined in Section 10-4I-1.

**6. Temporary construction / sales office**

- a. Requires application for and approval of a Temporary Use Permit as outlined in Section 10-4I-1.

**7. Child day-care center (in a church or a school)**

- a. Any outdoor play area shall be completely enclosed with a solid wall or fully sight obscuring fence to a minimum height of 6 feet
- b. The facility shall meet Washington State childcare licensing requirements.

**8. Recycling collection center**

- a. Adequate ingress and egress to and on the site for trucks and/or trailer vehicles shall be provided.
- b. The site shall either be bermed with landscaping to preclude viewing from adjacent properties and/or fenced with a sight-obscuring fence as determined by the Director.

**9. Public utility transmission facility – EPF**

- a. The utility company shall secure the necessary property or right-of-way to assure for the proper construction, maintenance, and general safety of properties adjoining the public utility transmission facility.
- b. All support structures for electrical transmission lines shall have their means of access located a minimum of 16 feet above the ground and the height of the structure above ground shall not exceed 45 feet.
- c. Before issuance of a building permit, the applicant shall have complied with all applicable requirements for the siting of an essential public facility in accordance with state, regional, and local mandates.

- d. Undergrounding of all newly installed or extensively modified utilities under 55kV shall be required.

**10-2K-4 Conditional Uses (CU)**

A. Conditional Uses. The land uses listed in the Zoning Matrix (Section 10-2A-4) under the P (Public / Semi-Public Institutional) District with the letters “CU” are permitted to locate in the P zone only after a public hearing and the decision to grant a permit (conditional use permit) imposing such performance standards as will make the use compatible with other permitted uses in the same vicinity and zone and ensure against excessive interference with other permitted uses or imposing excessive demands upon public utilities and facilities as determined by the Hearing Body. Conditional use permits require a public hearing before the Hearing Examiner. Only land uses which are specifically listed in the Zoning Matrix (Section 10-2A-4) and land uses which are approved as “similar” to those in the Zoning Matrix (Section 10-2A-4), may be permitted as conditional uses.

B. Determination of Similar Land Use. Similar use determinations shall be made in conformance with the procedures in Article 10-4G - Administrative Interpretations.

C. Requirements for Specific P Conditional Uses.

**1. Detention facility – EPF**

- a. Before issuance of a conditional use permit, the applicant shall have complied with all applicable requirements for the siting of an essential public facility in accordance with state, regional, and local mandates.
- b. The use shall be subject to restrictions and conditions as may be imposed by the Hearing Examiner under Article 10-4H.

**2. Crisis residential center (20 or fewer residents) – EPF**

- a. The facility shall be limited to 20 or fewer residents, including live-in caregivers.
- b. The facility must maintain the outward appearance of a residence and conform to the residential character of the area.
- c. The crisis residential center shall meet any applicable state, federal, and local licensing for a facility housing children under the age of 18.
- d. Before issuance of a conditional use permit, the applicant shall have complied with all applicable requirements for the siting of an essential public facility in accordance with state, regional, and local mandates.
- e. The use shall be subject to restrictions and conditions as may be imposed by the Hearing Examiner under Article 10-4H.

**3. Power plant – EPF**

- a. Before issuance of a conditional use permit, the applicant shall have complied with all applicable requirements for the siting of an essential public facility in accordance with state, regional, and local mandates.
- b. The use shall be subject to restrictions and conditions as may be imposed by the Hearing Examiner under Article 10-4H.

**4. Public utility local distribution facility**

- a. The utility company shall secure the necessary property or right of way to assure for the proper construction, maintenance, and general safety of properties abutting the public utility local distribution facility.
- b. The use shall be subject to restrictions and conditions as may be imposed by the Hearing Examiner under Article 10-4H.

**5. Sewage treatment plant – EPF**

- a. Before issuance of a conditional use permit, the applicant shall have complied with all applicable requirements for the siting of an essential public facility in

- accordance with state, regional, and local mandates.
- b. The use shall be subject to restrictions and conditions as may be imposed by the Hearing Examiner under Article 10-4H.

#### **6. Wireless communication antenna array**

Prior to issuance of a building permit, the applicant shall have demonstrated compliance with the conditions and standards set forth herein:

- a. The maximum height of the mounted antenna shall not exceed 20 feet above the height of the existing building or structure upon which it is mounted. The height of an antenna array mounted on a wireless communication support tower or alternative tower structure shall be included in the vertical measurement use to calculate the maximum allowable height of the support structure.
- b. The applicant shall provide a certified statement from a licensed radio frequency (RF) engineer demonstrating need within network buildout and a report of radio frequency (RF) emissions existing at occupancy, maximum future projected emission measurements, and cumulative emissions from multiple antenna arrays located on the same structure or wireless communication support tower are all within the standards required by FCC. Interferences with public broadcast transmissions to the local community is prohibited.
- c. The applicant shall meet and provide documentation that all applicable requirements of FCC, FAA, and any required aviation easements have been satisfied.
- d. The applicant shall perform and provide documentation of a visual simulation of the site plan.
- e. The applicant shall meet and provide documentation of all requirements of SEPA.
- f. The antenna array and supporting electrical and mechanical equipment shall be installed using stealth technology.
- g. No advertising or display shall be located on any antenna array; however, the owner of the antenna array shall place an identification plate indicating the name of the wireless service provider and a telephone number for emergency contact on the site.
- h. No artificial lights other than those required by FAA or other applicable authority shall be permitted, and that any security lights shall be down shielded, and shall be positioned, placed, constructed, or used so as not to illuminate directly any adjacent lot, building, or structure or portion thereof.
- i. The owner of the antenna array shall notify the City of Liberty Lake Planning & Community Development Department when the antenna array is no longer operating as part of a wireless communication system authorized and licensed by FCC. Within 6 months of the date the antenna array ceases to operate as part of an authorized system, the antenna array must be removed from the site, or when the technology becomes obsolete and is no longer utilized.
- j. The use shall be subject to restrictions and conditions as may be imposed by the Hearing Examiner under Article 10-4H.

#### **7. Wireless communication support tower**

- a. The tower shall be enclosed by a 6-foot sight-obscured fence with a locking gate; however, no barbed wire or razor wire shall be permitted.
- b. The tower shall have a locking trap door or the climbing apparatus shall stop 12 feet short of the ground.
- c. Support tower foundations, equipment shelters, cabinets or other on-the-ground ancillary equipment shall be buried below ground or screened with a site obscuring secured fence not less than 6 feet high. The Director may waive the site obscuring secured fence requirement provided the applicant has

secured all on the ground ancillary equipment in a locked cabinet designed to be compatible with and blend into the setting and provided that when a locked fence is not required the means of access for the support tower is located a minimum of 12 feet above the ground.

- d. The tower shall not exceed 15 feet above the maximum height of the underlying zone. The height of the support tower means the vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure even if the highest point is an antenna. Measurement of tower height shall include antenna, base pad, and other appurtenances and shall be measured from the finished grade of the parcel.
- e. The applicant shall show that the impact area (that area in all directions equal to the tower's height above grade), as designed and certified by a registered engineer, is completely on the subject property or that an easement(s) has been secured for all property in the tower's impact area. Such easement(s) shall be recorded with the County Auditor with a statement that only the City of Liberty Lake Planning & Community Development Department or its successor agency can remove the easement.
- f. The wireless communication company shall secure the necessary property or easement to assure for the proper construction, continued maintenance, and general safety of the properties adjoining the wireless communication facility.
- g. The facility shall meet the minimum landscaping and setback requirements for the underlying zone.
- h. Support towers shall not be permitted inside a public park, public monument or private inholding located within a public park or public monument.
- i. Before the issuance of a building permit, the applicant shall demonstrate that all applicable requirements of the Federal Communications Commission, Federal Aviation Administration and any required aviation easements can be satisfied. The applicant shall have provided a certified statement from a licensed radio frequency (RF) engineer demonstrating need within network buildout and a report of radio frequency (RF) emissions existing at occupancy, maximum future projected emission measurements and cumulative emissions from multiple antenna arrays located on the same structure or wireless communication support tower are all within the standards required by FCC.
- j. The owner of the support tower shall notify the City of Liberty Lake Planning & Community Development Department when the tower is no longer utilized. Within 6 months of the date the tower ceases to be utilized, the support tower must be removed from the site, or when the technology becomes obsolete and is no longer utilized.
- k. The use shall be subject to restrictions and conditions as may be imposed by the Hearing Examiner under Article 10-4H.

#### **10-2K-5 Accessory Structures**

Accessory structures are of a nature customarily incidental and subordinate to the principal use or structure on the same lot. Typical accessory structures may include storage sheds, workshops, green houses, and similar structures. Accessory structures shall comply with all of the following standards and Sections 10-2K-6 for setbacks and 10-2K-7 for maximum lot coverage:

- A. Primary use required. An accessory structure shall only be allowed on lots with another permitted, limited, or conditional use as defined above, on the same lot.
- B. Compliance with land division standards. The owner may be required to remove an accessory structure as a condition of land division approval when removal of the structure is

necessary to comply with setback standards.

C. Building Height. The height of a detached accessory structure shall not exceed the height of the primary structure.

D. Buffering. A minimum 6 foot sight-obscuring fence shall be required to screen the accessory structure from dwellings on adjacent lots, unless a similar screen is already provided, the distance to adjacent dwelling(s) is greater than 50 feet, or the buffer requirement is waived in acknowledged writing by abutting property owners.

## **10-2K-6 Development Setbacks**

Building setbacks provide building separation for fire protection/security, building maintenance, sunlight, and air circulation, noise buffering, and visual separation.

Building setbacks are measured from perimeter of the structure to the respective property line. The setback standards, as listed below, apply to primary structures as well as accessory structures, unless otherwise specified above for Limited or Conditional Uses. A Variance is required in accordance with Article 10-5B to modify any setback standard. If an existing border easement is in place, the setback is measured from the back of the border easement.

### A. Front Yard Setbacks

1. The minimum front yard setback shall be 20 feet.

### B. Rear Yard Setbacks

1. The minimum rear yard setback shall be 5 feet, except that buildings shall be setback from Residential Zones by a minimum of 20 feet. (includes accessory structures).
2. For buildings on through-lots (lots with front and rear frontage onto a street), the front yard setbacks in "A" shall apply.

### C. Side Yard Setbacks

The minimum interior side yard setback shall be 5 feet, except that buildings shall be setback from Residential Zones by a minimum of 20 feet (includes accessory structures). The minimum flanking street yard (street corner yards) setback shall be 15 feet. Additionally, buildings shall conform to the vision clearance standards in Section 10-3B-2, subsection N, and the applicable fire and building codes for attached structures, fire walls, and related requirements.

### D. Other Yard Requirements

1. Buffering. A 20 foot minimum buffer zone shall be required between development and any adjacent Residential Zone to reduce light, glare, noise, and aesthetic impacts. The buffer zone shall provide landscaping to screen parking, service, and delivery areas, and walls without windows or entries, as applicable. The buffer may contain pedestrian seating but shall not contain any trash receptacles or storage of equipment, materials, vehicles, etc. The landscaping standards in Article 10-3C may require buffering other situations, as well.
2. Neighborhood Access. Construction of pathway(s) and fence breaks in setback yards may be required to provide pedestrian connections to adjacent neighborhoods or other districts, in accordance with Article 10-3B - Access and Circulation Standards.
3. Building and Fire Codes. All developments shall meet applicable fire and building code standards, which may require setbacks different from those listed above (e.g.,

combustible materials, etc.).

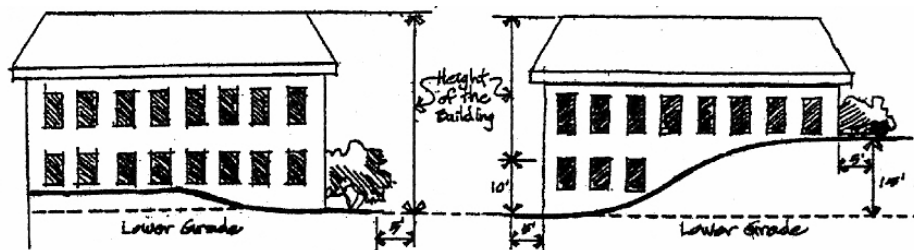
4. Walls and Fences. Walls and fences may be placed on property lines, subject to the standards in Article 10-3C - Landscaping and Fences and Walls. Walls and fences within front yards shall additionally comply with the vision clearance standards in Section 10-3B-2, subsection N.

E. Special Yards - Distance Between Buildings on the Same Lot

To provide usable yard area and allow air circulation and light, the minimum distance between buildings on the same lot shall be at least one-half ( $\frac{1}{2}$ ) the sum of the height of both buildings; provided, however, that in no case shall the distance be less than 12 feet. This requirement shall also apply to portions of the same buildings separated from each other by a court, landscaped yard, or other open space.

To provide usable yard area and allow air circulation and light, the minimum distance between buildings on the same lot shall be at least one-half ( $\frac{1}{2}$ ) the sum of the height of both buildings; provided, however, that in no case shall the distance be less than 12 feet. This requirement shall also apply to portions of the same buildings separated from each other by a court, landscaped yard, or other open space.

<i><b>P Land Use</b></i>	<i><b>Lot Area</b></i>	<i><b>Lot Width / Depth</b></i>	<i><b>Lot Coverage</b></i>	<i><b>Residential Density</b></i>
<b>All Uses</b>	Minimum area: None  Maximum area: None	Minimum Width: 50 feet at front property line  Maximum Depth: None	Maximum: 60 percent	None





B. Method of Measurement. "Building height" is measured as the vertical distance above a reference datum measured to the highest point of the roof. The reference datum shall be selected by either of the following, whichever yields a greater height of building (see above examples):

1. The elevation of the highest adjoining sidewalk or ground surface within a five-foot horizontal distance of an exterior wall of the building when such sidewalk or ground surface is not more than 10 feet above the lowest grade;
2. An elevation 10 feet higher than the lowest grade when the sidewalk or ground surface described in subsection '1' above is more than 10 feet above the lowest grade. The height of a stepped or terraced building is the maximum height of any segment of the building. Not included in the maximum height are: chimneys, bell towers, steeples, roof equipment, flag poles, and similar features which are not for human occupancy, but may be restricted in height to protect views.

## **10-2K-9 Building Orientation**

A. Purpose. All of the following standards shall apply to new development within the P Zone in order to reinforce streets as public spaces and encourage alternative modes of transportation, such as walking, bicycling, and transit use.

B. Applicability. This section applies to all buildings in the P Zone that require Site Design Review (see Section 10-4C-2), except that the standard shall not apply to buildings which do not receive the public (e.g., buildings used solely for storage or for housing mechanical equipment; and similar uses). Limited and Conditional Uses within the P zone are also required to comply with the standards outlined above in Section 10-2K-3 or 10-2K-4. Buildings that do not require site design review are encouraged to incorporate these standards.

C. Building orientation standards. All buildings which are subject to this Section shall be oriented to a street and shall be configured to provide the majority of the parking in a rear, side, or interior parking area. Pedestrian pathways shall be provided from the street right-of-way to parking areas between buildings, as necessary to ensure reasonably safe, direct, and convenient access to building entrances and off-street parking. The building orientation standard is met when all of the following criteria are met:

1. Compliance with the setback standards in Section 10-2K-6.
2. All buildings shall have their primary entrance(s) oriented to a street. Commercial building entrances may include entrances to individual units, lobby entrances, or breezeway/courtyard entrances (i.e., to a cluster of units or commercial spaces). Alternatively, a building may have its entrance oriented to a side yard when a direct pedestrian walkway is provided between the building entrance and the street in accordance with the standards in Article 10-3B - Access and Circulation. In this case, at least one entrance shall be provided not more than 30 feet from the closest sidewalk or street.
3. The majority of the off-street parking, drives, or other vehicle areas shall not be placed between buildings and streets, unless otherwise permitted by this Code. Refuse enclosures shall be oriented away from adjacent structures to the greatest extent practical and shall not be placed between buildings and streets. Refuse enclosures shall be screened with a wall of not less than 6 feet in height, as outlined in Section 10-3C-3, subsection H.
4. On corner lots, buildings and their entrances shall be oriented to the street corner, whenever possible and parking, driveways and other vehicle areas should not be placed between buildings and street corners.



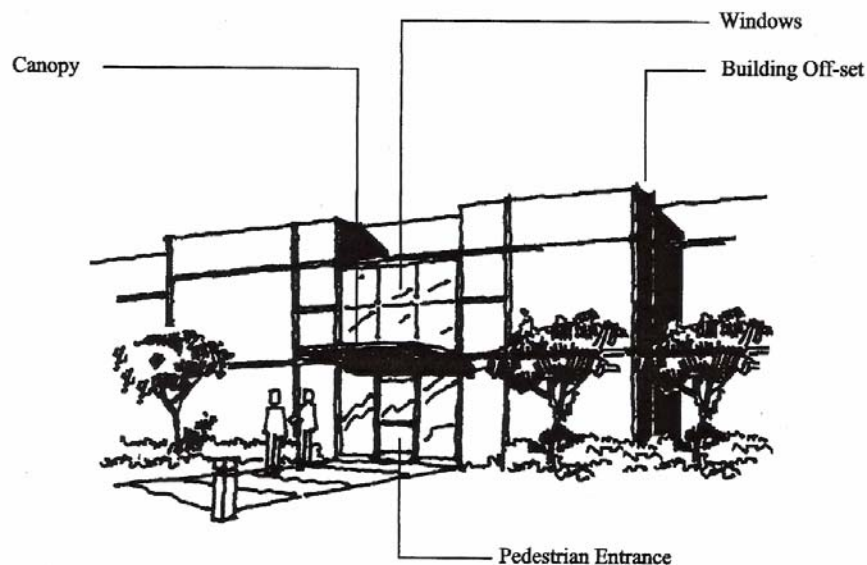
D. Variances. These standards shall not be changed through a Variance. The Director may allow the standard to be varied from to address topographic or other physical constraints.

## **10-2K-10 Architectural Guidelines and Special Standards**

A. Purpose. The architectural guidelines are intended to provide detailed, human-scale design, while affording flexibility to use a variety of building styles.

B. Applicability. This section applies to all buildings in the P Zone that require Site Design Review (see Section 10-4C-2). Limited and Conditional Uses within the P zone are also required to comply with the standards outlined above in Section 10-2K-3 or 10-2K-4. Buildings that do not require site design review are encouraged to incorporate these standards.

C. Standards. All buildings which are subject to this Section shall comply with all of the following standards. The graphics provided are intended to show examples of how to comply. Other building styles and designs can be used to comply, so long as they are consistent with the text of this section.



### **1. Detailed Design.**

All buildings shall provide detailed design along the front building elevation (i.e., facing the street), as applicable. Note: the example shown above is meant to illustrate required building design elements, and should not be interpreted as a required architectural style.

- a. Incorporate architectural features such as windows, pedestrian entrances, building off-sets, projections, detailing, change in materials or similar features, to break up and articulate large building surfaces and volumes.
- b. Corner building entrances on corner lots. A building entrance may be located away from the corner when the building corner is beveled or incorporates other detailing to reduce the angular appearance of the building at the street corner.
- c. Pedestrian-scale building entrances. Recessed entries, canopies, and/or similar features shall be used at the entries to buildings in order to create a pedestrian-scale.

### **2. Design of Large-Scale Buildings and Developments.**

All large-scale buildings and developments shall provide human-scale design by conforming to the standards in subsections a & b, below. Large-scale buildings and developments are buildings with greater than 20,000 square feet of enclosed ground-

floor space (i.e., "large-scale") or multiple-building developments with a combined ground-floor space (enclosed) greater than 40,000 square feet (e.g., shopping centers, public/institutional campuses, and similar developments). Multi-tenant buildings shall be counted as the sum of all tenant spaces within the same building shell.

- a. Incorporate changes in building direction (i.e., articulation), and divide large masses into varying heights and sizes, as shown above. Such changes may include building offsets; projections; changes in elevation or horizontal direction; sheltering roofs; terraces; a distinct pattern of divisions in surface materials; and use of windows, screening trees; small-scale lighting (e.g., wall-mounted lighting, or up-lighting); and similar features. Note: the example shown above is meant to illustrate examples of these building design elements, and should not be interpreted as a required architectural style.
- b. Every building elevation adjacent to a street with a horizontal dimension of more than 100 feet, as measured from end-wall to end-wall, shall have a building entrance; except that building elevations that are unable to provide an entrance due to the internal function of the building space (e.g., mechanical equipment, areas where the public or employees are not received, etc.) may not be required to meet this standard. Pathways shall connect all entrances to the street right-of-way, in conformance with Article 10-3B - Access and Circulation.

D. Materials & Colors. All proposed building materials should be durable and of good quality and appropriate to the surroundings. Exterior building materials and colors comprise a significant part of the visual impact of a building. Therefore they should be aesthetically pleasing and compatible with materials and colors of adjoining buildings and other buildings within the City. The following materials and colors apply to new construction projects or remodels/additions to existing projects in the P Zone, and the color standards shall also apply to tenant improvements:

1. Acceptable Roofing Materials

- a. Composition
- b. Composite Flat Roof
- c. Concrete tile
- d. Slate
- e. Cedar Shake
- f. Metal - tile or shake only
- g. Copper Shake
- h. Other materials determined acceptable by the Planning & Community Development Director

2. Prohibited Roofing Materials

- a. Corrugated Metal

3. Acceptable Siding Materials

- a. Brick
- b. Stucco or Dryvit
- c. Cultured or Natural Stone
- d. Concrete Block - split faced, smooth
- e. Concrete Tilt-Up
- f. Wood
- g. Vinyl - tile or shake only
- h. Metal - tile or shake only
- i. Other materials determined acceptable by the Planning & Community Development Director

4. Prohibited Siding Materials

- a. Corrugated Metal
- b. T-111 (may be used when combined with detailing noted below)
- c. Vinyl Lap (may be used when combined with detailing noted below)

5. Detailing

- a. Brick
- b. Stone
- c. Wood or Timber
- d. Board and Batten
- e. Other materials determined acceptable by the Planning & Community Development Director

6. Colors

- a. Building elevation / siding and roof colors shall be low reflectance, subtle, neutral, or earth tone colors. The use of high intensity colors, metallic colors, black, or fluorescent colors is prohibited;
- b. Building trim and accent areas can feature brighter colors, including primary colors, if approved through the design review process. Neon tubing shall not be an acceptable feature for building trim or accent areas; and
- c. Corporate / trademark colors shall not be used on the building elevation / siding, roof, trim, or accent areas unless they comply with these color standards. Corporate / trademark colors can be used on signage.

**10-2K-11 Design Standards**

The City's development design standards are contained in both Chapter 2 and Chapter 3. It is important to review both chapters, and all relevant code sections within the chapters, to determine which standards apply.

A. Additional Design Standards. In addition to the standards outlined in this article, development within the P Zone will require compliance with the following and other applicable portions of this Code:

- 1. Article 10-3B - Access and Circulation
- 2. Article 10-3C - Landscaping, Street Trees, Fences and Walls
- 3. Article 10-3D - Vehicle and Bicycle Parking
- 4. Article 10-3E - Signage Standards
- 5. Article 10-3F - Other Design Standards
- 6. Article 10-3G - Public Facilities Standards
- 7. Article 10-3H - Stormwater Management
- 8. Article 10-3I - Property Maintenance Standards